

Addressing the Problems that Lead to Prison



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REACTION ESSAY

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Glenn Loury rightly directs our attention to the troubling fact that we have put into prison a large fraction of our citizens, especially African American men. No one can be happy with this state of affairs. It is difficult to create and sustain a decent society when many of its members are former convicts.

Worrisome as this may be, Loury says little about why this happened other than to say we are a nation of “racist jailers” who operate a “greed-driven economy” and have created a “so-called underclass” that reflects the “moral deviance” of all of us. He looks askance at those who speak about the “purported net benefits to ‘society’ of greater incarceration.”

I am one of those, and I do not feel inclined to apologize. Loury does not refer to the scholarly work of those social scientists who have worked hard to understand why we imprison so many people and with what results. Let me summarize what Daniel Nagin, David Farrington, Patrick Langan, Steven Levitt, and William Spelman have shown. Other things being equal, a higher risk of punishment reduces crime rates.

These scholars do not entirely agree one with the other and all recognize that there are problems in these analyses, but none, I think, would say that the benefits to society of imprisonment are merely “purported.” They are real. Offsetting these benefits are costs, some of which Loury discusses. To discuss imprisonment seriously one must compare the costs and the benefits. Loury does not try to do this.

Instead he points out, correctly, that America uses imprisonment more than do many other nations (though I suspect he ought not to take the public claims of imprisonment rates in China and Russia too seriously). But he ignores the results of prison in America: It helps explain why this country has a lower rate of burglary than Australia, Austria, Canada, England, Germany, and the Netherlands, and a lower rate of auto theft than Australia, Austria, Canada, England, and Sweden. On the other hand, America’s homicide rate remains much higher than in those nations.

America is more punitive, but except for homicide, it is also safer. The key moral and political question is whether our greater personal safety is worth our greater use of prison. Loury does not discuss this question.

There is an even more important question: Why is it that so large a percentage of African Americans spend time in prison? We cannot say that it is because America is “racist.”

Racism exists here, but it cannot account for the fact that the racial identity of people who commit assaults and robberies is almost exactly the same as the racial identity of people who go to prison for those crimes.

We know this, not because we rely on police reports, but because the National Crime Victimization Survey asks thousands of citizens if they were the victims of crime and, if they were, for a description of who attacked or robbed them. The citizens themselves (including black ones) say that the attackers or robbers were black in the same proportion as blacks go to prison for these crimes.

The central question is why blacks commit these crimes in such high numbers. My research, like that of Orlando Patterson and others, suggests that slavery and Reconstruction deeply harmed African American culture by making intact families rare and denying to black victims the same degree of police protection that was afforded to whites.

By the middle of the nineteenth century and continuing down to the present, many black children have grown up in father-absent families. And after slavery ended black victims of crime were for many decades denied police and judicial protection. Though the civil rights laws have ended many abuses, the legacy lives on: 70 percent of black males in prison did not grow up with a resident father.

The high rate of imprisonment for African Americans is a wake up call for our historical failure to incorporate them into a functioning and constructive culture. How we might do this is a major issue on which no clear scholarly agreement exists.

We can, of course, wait until men get in trouble and then try to rehabilitate them. Good rehabilitation efforts provide some benefits, and despite what Loury implies, they are underway. But the gains, on the average, are small: recidivism rates are reduced by about 10 percent. Since two-thirds of all ex-cons commits a new offense within three years, a 10 percent reduction is not very much.

If we knew how to make street gangs less attractive to boys we could reduce dramatically the number of murders our cities experience, but so far we do not know how to do this. There are efforts under way to test some new ideas but the results are not yet in. In the meantime, law-abiding people move out of neighborhoods where gangs operate.

The best approach is to invest in crime prevention programs aimed at young children. Careful evaluations show that such efforts exist. They include the Perry Pre-School program, nurse home visitations, various parent-child training programs, and certain school-based programs. These have worked in at least one setting and a few have worked in several.

To argue that America is simply “punitive” is a profound error. There are countless efforts all over the country to reduce the chances that a child will become a criminal. These attempts, however, take hold only slowly because of three problems. First, many of

the best prevention programs cost a lot of money for each child, and so we have to devote them to at-risk children if communities will be able to pay for them. But defining some children as “at-risk” means talking specifically about black and Hispanic children in welfare homes, a task that our politically correct society finds it hard to do. Second, the programs that work are typically small, intense efforts that may or may not work if they are scaled up to be state-wide or nation-wide efforts run, not by skilled therapists, but by ordinarily folks. Third, good programs often lose out to bad ones because the latter, though equally devoted to prevention, lack supportive evidence but have political muscle. The DARE anti-drug program is an example of the muscle without evidence.

If you wish to write helpfully about mass incarceration, it is necessary to talk about all of these questions: the benefits as well as the costs of incarceration, the difficulty in finding programs that will eliminate the crime-production tendencies of father-absent families, the greater value of prevention over rehabilitation, and the complex intellectual and political problems that attend any effort to make prevention strategies more commonplace.

Loury does none of this. He offers an impassioned cry from the heart, shaped in part by his own experience as a man of color who has passed through a courtroom and the jailhouse on his way to becoming a skilled and important scholar. But the impassioned cry is not enough. Generations of activists, leaders, and scholars have been at work on these matters. Dismissing their efforts as “the false pretense of clinical detachment and scientific objectivity” is to retreat from any chance at progress and defeat what Loury wants, namely, the completion of the task of civic inclusion.